



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

November 6, 2019

**By ECF**

Application granted.

Hon. William H. Pauley III  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

SO ORDERED:

  
WILLIAM H. PAULEY III  
U.S.D.J.

**Re: *United States v. Emmanuel Lambrakis*, 17 Cr. 208 (WHP)**

November 13, 2019

Dear Judge Pauley:

The Government writes to request that the Court set a schedule for disclosure and briefing concerning the parties' experts in the above-captioned matter. The Government proposes the following schedule: (i) parties to disclose the identity of any experts and the topics about which they would testify by November 8, 2019; (ii) Government to disclose the identity of any rebuttal experts by November 15, 2019; (iii) parties to file any motions seeking to preclude expert testimony by November 20, 2019; and (iv) parties to file oppositions by November 25, 2019. The defendant has not articulated his position on this request.

By way of background, on February 20, 2019, this Court granted the defendant's request to withdraw the guilty plea he had previously entered before the Magistrate Court. On May 22, 2019, the Court scheduled trial in this matter for December 2, 2019.

During a July 31, 2019 bail hearing, the Government noted that there may need to be motion practice concerning experts in this case and that it would discuss an expert schedule with the defendant to propose to the Court. (7/31/19 Tr. at 21.) During the bail hearing, the defendant stated that he might raise a defense premised on whether "Dr. Lambrakis could explain his actions via his understanding of this cabal or conspiracy" he believes wanted to prosecute him. (*Id.*) To the extent an expert would be used to present such evidence, the Government would oppose it. Prior to the July 31, 2019 hearing, the Government orally notified the defendant that it intended to call a medical doctor at trial that would testify concerning medical practices and evaluate the defendant's prescriptions.

On August 9, 2019, the defendant filed a motion to dismiss the Indictment and for miscellaneous relief including that the Government make disclosures concerning its experts. On October 18, 2019, the Government disclosed the identity of its expert, Dr. Christopher Gharibo, as well as a listing of the topics about which Dr. Gharibo would testify such as the legitimate practice

of pain management medicine. The Government included in its disclosure the expert's CV and more than 500 pages of his prior testimony. On October 21, 2019, the Court denied the defendant's motion to dismiss the Indictment and ordered that the parties propose an expert disclosure schedule to the Court.

On October 25, 2019, counsel spoke on the phone and defense counsel advised that it intended to call a medical expert to rebut Dr. Gharibo but had not identified a witness yet. On November 1, 2019, the Government inquired whether an expert had been identified and on November 4, 2019, defense counsel responded that they were aware of their obligation to identify any experts but had not retained any. On November 4, 2019, the Government indicated to the defendant that it intended to ask the Court to set a disclosure date and proposed the below schedule to the defendant on November 5, 2019. The Government requested the defendant provide his position on the proposed schedule by close of business November 5, 2019. The defendant has not yet responded to the Government's proposed schedule.

The Government requests that the Court order: (i) the parties to disclose the identity of any experts and the topics about which they would testify by November 8, 2019; (ii) the Government to disclose the identity of any rebuttal experts by November 15, 2019; (iii) the parties to file any motions seeking to preclude expert testimony by November 20, 2019; and (iv) the parties to file oppositions by November 25, 2019.<sup>1</sup>

Very truly yours,

GEOFFREY S. BERMAN  
United States Attorney

by: /s/  
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Copy to: Peter Brill, Esq. (by ECF)  
Robert Caliendo, Esq. (by ECF)

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<sup>1</sup> The Court previously ordered motions in limine to be filed by November 8, 2019; oppositions to any such motions to be filed by November 20, 2019; replies to be filed by November 25, 2019; and a final pretrial conference was set for November 26, 2019 at 3:30 p.m.